IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 32463 of 2007(M)

PETITIONER:

A.T.MATHEW, S/O.THOMAS, AGED 68 YEARS,
ALUMKAL HOUSE, KANNAMALY P.O.,
KOCHI-682 008.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
ERNAKULAM DISTRICT, CIVIL STATION,
ERNAKULAM.

2. THE VILLAGE OFFICER,
KUMBALANGI VILLAGE, KUMBALANGI,
KOCHI.

3. CHELLANAM GRAMA PANCHAYAT,
ANDYKADAVU P.O., ERNAKULAM DISTRICT,
REPRESENTED BY ITS SECRETARY.

4. SUB INSPECTOR OF POLICE,
KANNAMALY POLICE STATION, KANNAMALY.

5. THEO PULICKAL, S/O.JOSEPH PULICKAL,
PULICKAL HOUSE, KANNAMALY, KUMBALANGI VILLAGE,
KOCHI.

6. JENSON PARATHAM VEETTIL, S/O.ANTONY
PARATHAM VEETTIL, KANNAMALY, KUMBALANGI VILLAGE,
KOCHI.

7. B.A.JOLLY BALUMMAL, S/O.ANTONY BALUMMAL,
BALUMMAL HOUSE, KANNAMALY PO, KOCHI-682 008.

BY GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 32463 OF 2007 M
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Dated this the 1st day of November, 2007

J U D G M E N T

Essentially, the allegation made in this writ petition is that respondents 5 to 7 are attempting to fill a thodu that is passing through the petitioner's property. Petitioner submits that he has submitted representations to the authorities and that there is inaction on their part.

2. In my view, the issue raised by the petitioner does not involve a case for any public law remedy and it is essentially a civil dispute. For this, the right remedy available to the petitioner is to approach the Civil Court.

Therefore, I close this writ petition, without prejudice to the rights of the petitioner and leaving open the contentions.

ANTONY DOMINIC, JUDGE.

Rp